

IN THE  
COURT OF CRIMINAL APPEALS  
OF TEXAS

FILED  
COURT OF CRIMINAL APPEALS  
8/3/2017  
DEANA WILLIAMSON, CLERK

THE STATE OF TEXAS,

§

Appellant,

§

§

v.

§

No. PD-0053-17

§

§

DANIEL VILLEGAS,

§

§

Appellee.

§

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APPELLEE'S FIRST MOTION  
FOR EXTENSION OF TIME TO FILE APPELLEE'S BRIEF

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TO THE HONORABLE COURT OF CRIMINAL APPEALS:

COMES NOW DANIEL VILLEGAS, Appellee, and files this First Motion for an Extension of Time to File Appellee's Brief, and would show the Court the following:

1. This is an appeal from a pretrial order excluding evidence. The Court granted the State's petition for discretionary review and ordered briefing on June 7, 2017. Appellant's Brief was filed on July 7, 2017. Appellee's Brief is now due to be filed August 6, 2017.

2. Appellee requests a 30-day extension of time to file Appellee's Brief. This extension is requested because Appellee's attorneys will be unable to complete

the Brief by the due date because of the complexity of the legal issues presented (procedural and evidentiary issues related to the exclusion from evidence of 37 recordings, as well as jurisdictional and preservation-of-error issues not fully briefed by Appellant), the volume of the record (over 8,000 pages), and counsel's responsibilities on other urgent client matters.

3. This is Appellee's first motion for an extension of time to file Appellee's Brief. This request is not made for purposes of delay, but so that justice may be done.

WHEREFORE, PREMISES CONSIDERED, Appellee requests a 30-day extension of time to file Appellee's Brief, and such other and further relief to which he may be justly entitled.

Respectfully submitted,

/s/ Joe A. Spencer, Jr.

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ATTORNEYS FOR DANIEL VILLEGAS

**CERTIFICATE OF SERVICE**

The undersigned counsel certifies that this pleading was served on **Jaime Esparza**, El Paso District Attorney, Attn: **Lily Stroud** (lstroud@epcounty.com), and **Tom Darnold** (tdarnold@epcounty.com), Assistant District Attorneys, Attorneys for Appellant, on August 3, 2017, by electronic service.

/s/ John P. Mobbs

John P. Mobbs